

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

RICHARD BAYS,

Petitioner,

Case No. 3:08-cv-076

-vs-

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

WARDEN, Ohio State Penitentiary,

Respondent.

RECOMMITTAL ORDER

This case is before the Court on Petitioner's Objections (Doc. No. 139) to the Magistrate Judge's Report and Recommendations (Doc. No. 137) on Petitioner's Motion for Certificate of Appealability (Doc. No. 128). As permitted by Fed. R. Civ. P. 72, the Respondent has filed a Response to those Objections (Doc. No. 140).

The District Judge has preliminarily considered the Objections and believes they will be more appropriately resolved after further analysis by the Magistrate Judge. Accordingly, pursuant to Fed. R. Civ. P. 72(b)(3), this matter is hereby returned to the Magistrate Judge with instructions to file a supplemental report analyzing the Objections and Response and making recommendations based on that analysis.

DONE AND ORDERED this Twentieth Day of November, 2012.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE